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10/808,012	03/24/2004	Dan Scott Johnson	200207103-1	5685

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EXAMINER

ALAM, MUSHFIKH I

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/808,012	Applicant(s) JOHNSON, DAN SCOTT	
	Examiner Mushfikh Alam	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement filed on 9/29/2005 has been considered by examiner (see attached PTO/SB/08).

Claim Objections

2. Claim 10 is objected to because of the following informalities: The limitation "presentation of the monitored d A/V program data" contains a typographical error. The "d" after "monitored" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 10, 13-15, 17, 19-21, ~~28~~ 30, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kliger et al (US Patent Publication No. 2003/0066082).

As to claim 1, Kliger discloses an audio/video (A/V) source component (28), comprising:

- a processor (130); and
- a data manager (114) executable by the processor (130), the data manager adapted to monitor (i.e. through a master HNM) presentation of A/V program data (e.g. CaTV signals)

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requested by a user via a presentation device (33), the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the monitored A/V program data to the user (see fig. 4, paragraphs [0073], [0077] and [0107]).

As to claim 10, Kliger teaches an audio/video (A/V) source (28) component, comprising:

- means (e.g. master HNM) for monitoring presentation of requested A/V program data to a user via a presentation device (see paragraph [0107]); and
- means (e.g. master HNM) for automatically retrieving A/V program data related to the monitored A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the monitored A/V program data (see paragraph [0107]).

As to claim 29, Kliger teaches an audio/video (A/V) component networking system (10), comprising:

- a sink component (44) adapted to present A/V program data (home network signals) to a user via a presentation device (e.g. television operators) (see paragraphs [0067] and [0070]); and
- a source component (28) adapted to monitor presentation of the A/V program data via the presentation device (33) by the sink component (44), the source component adapted to automatically retrieve A/V program data related to the presented A/V program data from an archival storage system (e.g. set-top box) in response to presentation of the presented A/V program data (see paragraphs [0073], [0077], and [0107]).

As to claim 2,14, Kliger teaches the component wherein the data manager is adapted to transmit the monitored A/V program data to a sink component (44) coupled to the presentation device (33) (see paragraphs [0063] and [0065]).

As to claim 3, 20, Kliger teaches the component wherein the data manager is adapted to receive a request (e.g. downstream signal) for the monitored A/V program data from a sink component (44) coupled to the presentation device (33) (see paragraph [0057]).

As to claim 5, 13, 30, Kliger teaches the component wherein the data manager is adapted to identify the related A/V program data (e.g. target data) via header data of the monitored A/V program data (see paragraph [0108]).

As to claim 21, 33, 34, Kliger teaches the method further comprising determining whether A/V program data related to the monitored A/V program data resides in the archival storage system (i.e. when the set top box and HNM are within one unit) (see paragraph [0077]).

As to claim 28, 35, Kliger teaches the system wherein the source component (28) is adapted transmit the related A/V program data (e.g. broadcast signals, home network signals) to the sink component (44) in response to a request (e.g. while in operation) received by a user via the sink component (44). During operation, the HRU transmits downstream signals across the network to the HNM's via RF filters. The HNM's communicates with the HRU's through upstream signals through the network. Therefore, requests can come from either component. (see fig. 2a, paragraphs [0051], [0056] and [0057]).

As to claims 15, 17, 19, these claims differ from claims 10, 13, 14, only in that claims 10, 13, 14, are apparatus whereas claims 15, 17, 19, are method claims. Thus,

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method claims 15, 17, 19, are analyzed as previously discussed with respect to claims 10, 13, 14, above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 9, 12, 18, 22-24, 26-27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (US Patent Publication No. 2005/0273819) in view of Knudson et al (US Patent Publication No. 2006/0140584).

As to claim 22, Kliger teaches an audio/video (A/V) source component (28), comprising:

- a processor (130); and
- a data manager (114) executable by the processor (130),

Kliger does not teach:

- the data manager adapted to receive A/V program data for storage in memory,
- the data manager adapted to determine whether A/V program data resides in memory related to the received A/V program data and,
- if related data resides in memory, automatically transfer either the received A/V program data or the related A/V program data to an archival storage system based on a broadcast sequence of the received A/V program data and the related A/V program data.

Knudson teaches:

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- the data manager (24) adapted to receive A/V program data (e.g. programs to be recorded) for storage in memory (e.g. harddisk) (see paragraph [0047]);
- the data manager (24) adapted to determine whether A/V program data resides in memory (e.g. scheduled to be recorded programs) related to the received A/V program data (e.g. programs with matching criteria) (see paragraph [0087]) and,
- if related data (e.g. data related to series) resides in memory, automatically transfer (e.g. set programs related to series to be recorded) the received A/V program data (e.g. programs broadcasted) to an archival storage system (e.g. harddisk) based on a broadcast sequence (e.g. episode series) of the received A/V program data and the related A/V program data (e.g. series episodes in memory) (see paragraph [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a reminding and recording system as taught by Knudson to the home networking system as taught by Kliger because it gives users the ability to set reminders for recording and notify the user when certain television programs are to be aired (see paragraph [0006]).

As to claim 23, Kliger clearly teaches the component wherein the data manager is adapted to identify (i.e. by conveys the meanings of the communications) the related A/V program data (e.g. target data) based on header data (e.g. header of packets) associated with the received A/V program data (see paragraph [0108]).

As to claim 4, 12, 24, 31, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to identify the related A/V program data (e.g. series related data) based on a recordation time (e.g. time for scheduled recording or episodes in the series) of the received A/V program data (e.g. program to be broadcast) (see fig. 11, paragraph [0084]).

As to claim 9, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to determine (i.e. by listing all program in the related series) whether A/V program data (e.g. series related programs) related to the monitored A/V program data (e.g. programs being broadcasted) resides in the archival storage system (e.g. harddisk) (see fig. 12, paragraph [0088] and [0090]).

As to claim 26, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to automatically transfer (e.g. schedule for recording) the received A/V program data (e.g. programs related to series) to the archival storage system (e.g. harddisk) if the received A/V program data (e.g. programs related to series) represents a later broadcast (e.g. future episode in series) (see fig. 7, paragraph [0058]).

As to claim 27, Kliger in view of Knudson teaches the component wherein the data manager (24) is adapted to automatically transfer (e.g. schedule for recording) the related A/V program data (e.g. episode series) to the archival storage system (e.g. harddisk) if the received A/V program data (e.g. programs currently broadcasted) represents an earlier broadcast (e.g. program that has been broadcasted previously, episode in a series) (see fig. 11, paragraph [0084]).

As to claim 18, this claim differs from claim 12 only in that claim 12 is an apparatus whereas claim 18 is a method claim. Thus, method claim 18 is analyzed as previously discussed with respect to claim 12 above.

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (US Patent Publication No. 2005/0273819) in view of Ochiai (US Patent No. 7,171,677).

As to claim 7, Kliger does not teach the component wherein the data manager is adapted to automatically transfer the monitored A/V program data based on a memory capacity. Ochiai teaches the component wherein the data manager (7) is adapted to automatically transfer (e.g. select for recording) the monitored A/V program data (e.g. broadcast programs) to the archival storage system (3 or 4) based on a memory capacity. (i.e. whichever memory unit has a sufficient amount of memory available) (see column 5, lines 38-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided logically networked memory system as taught by Ochiai to the home network system of Kliger because it allows user to not pay his/her attention to which memory is being utilized, the network handles this process under self-control. (see column 6, lines 24-31).

8. Claims 6, 8, 11, 16, 32, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (US Patent Publication No. 2005/0273819) in view of White (US Patent Publication No. 2002/0056098).

As to claim 6, 11, 32, Kliger does not teach the component wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system if a presentation time for the monitored A/V program data exceeds a predetermined period. White teaches the component (10) wherein the data

manager (21) is adapted to automatically transfer (e.g. add channels to recent channel map) the monitored A/V program data (e.g. channel being viewed) to the archival storage system (e.g. memory in the processing system for storing recent channels) if a presentation time for the monitored A/V program data exceeds a predetermined period (e.g. if a channel is being view for more than 20 seconds) (see fig. 4,9, paragraphs [0031], [0034], [0054], and [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a set-top box with a recent channel map as taught by White to the home network system of Kilger in view of the recording and reminding system of Knudson because it allows users to view which channels were recently purposefully selected and eliminates time consumed (see paragraphs [0003] and [0065]).

As to claim 8, 36, Kliger, clearly teaches the component (10) wherein the archival storage system (22) comprises an optical media storage (e.g. disks) system (see paragraph [0034]).

As to claim 16, this claim differs from claim 11 only in that claim 11 is an apparatus whereas claim 16 is a method claim. Thus, method claim 16 is analyzed as previously discussed with respect to claim 11 above.

9. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al (US Patent Publication No. 2005/0273819) in view of Knudson et al (US Patent Publication No. 2006/0140584) and further in view of White (US Patent Publication No. 2002/0056098).

As to claim 25, Kliger in view of Knudson does not teach the component wherein the archival storage system comprises an optical media storage system. White teaches the component (10) wherein the archival storage system (22) comprises an optical media storage (e.g. disks) system (see paragraph [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a mass storage device using optical media as taught by White to the home network system of Kliger in view of the recording and reminding system of Knudson because it allows users to input software or data to the client or to download software or data received over a network connection. (see paragraph [0034]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gatto et al (US Patent Publication No. 2002/0174444) is cited to teach a set-top box as a possible source component with various functions.

Ellis et al (US Patent Publication No. 2006/0140584) is cited to teach a set-top box and PVR as a possible source component with various functions.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mushfikh Alam whose telephone number is (571) 270-1710. The examiner can normally be reached on Mon-Fri: 7:30-17:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
3/29/2007


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SUPERVISORY PATENT EXAMINER